

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

EUGENE BROXTON,

Petitioner,

V.

BOBBY LUMPKIN, Director, Texas  
Department of Criminal Justice, Correctional  
Institutions Division,

Respondent.

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Civil Action No. H-11-315

## CASE INVOLVING THE DEATH PENALTY

## PETITIONER'S ADVISORY REGARDING STATE COURT PROCEEDINGS

This Court has stayed Eugene Broxton's federal habeas proceedings so that he may conduct DNA testing and, if warranted, file a subsequent habeas petition. ECF No. 55. On May 25, 2021, Mr. Broxton filed his second advisory regarding the status of his state proceedings, informing the Court that he was still developing claims he intended to present in a subsequent state-court application. In particular, he advised that he was waiting to receive from the district attorney access to juror information cards and questionnaires. Mr. Broxton asked that he be permitted to file an additional advisory in 60 days to inform the Court of his progress.

Counsel for Mr. Broxton continues to diligently prepare a subsequent writ application. On June 17, 2021, the state court signed an order permitting Mr. Broxton to access the jury records he had been seeking. Counsel received the documents on June 30. They have been digitized, and counsel has begun review of them.

Based on these circumstances, Mr. Broxton anticipates that, barring any unforeseen circumstance, he will file his subsequent application in state court within 60 days, or by September

21, 2021. He requests that he be permitted to submit an advisory to the Court by that date advising him of the filing or of circumstances preventing it.

Respectfully submitted,

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July 23, 2021

*Counsel for Petitioner Eugene Broxton*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 23rd day of July, 2021, I electronically filed the foregoing Defendant's Advisory to the Court with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following:

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/s/Joshua Freiman  
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